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INFO RUEABND/DEA HQS WASHINGTON DC PRIORITY

RUEAWJL/DEPT OF JUSTICE WASHINGTON DC PRIORITY

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SENSITIVE

SIPDIS

STATE FOR L/DL AND EAP

DOJ FOR OFL

E.O. 12958: N/A

TAGS: [KLIG](#) [PREL](#) [AMGT](#) [KJUS](#) [TH](#)

SUBJECT: VIKTOR BOUT CASE: EMBASSY DELIVERS DIPNOTE AND
RETURNS COURT SUMMONS OF DEA SPECIAL AGENTS

REF: STATE 66676

1. (SBU) SUMMARY: Per reftel instructions, the Acting Deputy Chief of Mission (ADCM) on June 29 handed over to Ministry of Foreign Affairs (MFA) Director of the Legal Affairs Division Chatri Archjananun the criminal complaint and court summons for three DEA Special Agents, which had been delivered to the embassy. Chatri acknowledged that the documents received by the Embassy had been improperly delivered, and said his office would return the summons to the court informing that delivery of the documents directly to the Embassy was a violation of the Vienna Convention. Bout's legal team may seek other ways to serve the papers. END SUMMARY.

2. (SBU) The ADCM engaged MFA Director Chatri on June 29 and, per reftel's instructions, provided Chatri with the dipnote and the criminal complaint and court summons of DEA Special Agents Odney, Hacker, and Zachariasiewicz. ADCM conveyed reftel's talking points, highlighting the lack of an appropriate basis for the court to exercise jurisdiction over the defendants, noting in particular that the DEA agents were acting within their official duties and in cooperation with the Royal Thai Police. Chatri commented that the documents were served by the court contrary to Article 22 of the Vienna Convention. The MFA planned to send the documents back to the court and wait to see how Bout and his attorneys respond.

3. (SBU) Chatri stated that the question of jurisdiction has to be left up to the court, but service of the summons was a diplomatic matter. Chatri speculated that Viktor Bout and his legal team may subsequently ask the MFA to forward the summons to the Embassy under a diplomatic note, which the Embassy could refuse to accept. Alternatively, Bout could seek the Thai Attorney General's assistance in seeking to serve under the terms of the bilateral Mutual Legal Assistance Treaty (MLAT). However, Chatri stated that the Attorney General would most likely refuse to use MLAT mechanisms on Bout's behalf.

JOHN